

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**ORDER NO. R9-2003-0005  
NPDES PERMIT NO. CA0109134**

**WASTE DISCHARGE REQUIREMENTS  
FOR**

**NATIONAL STEEL AND SHIPBUILDING COMPANY**

**SAN DIEGO COUNTY**

**TABLE OF CONTENTS**

Findings .....	1
A. Prohibitions .....	7
B. Discharge Specifications .....	8
C. Receiving Water Limitations .....	11
D. Special Conditions .....	12
E. Provisions .....	12
F. Reporting Requirements .....	14
G. Notifications .....	17

**List of Tables**

<b>Table 1.</b> Effluent Limitations .....	9
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Attachment A: NASSCO Location and Facility Map  
Attachment B: Best Management Practices Program Requirements  
Attachment C: Basin Plan Water Quality Objectives Applicable to San Diego Bay  
Attachment D: Standard Provisions  
Attachment E: Definitions and Explanatory Notes

## MONITORING AND REPORTING PROGRAM NO. R9-2003-0005

A. Purpose .....	M-1
B. Monitoring Provisions .....	M-1
C. Monitoring and Reporting Schedule and Frequency .....	M-3
D. Effluent Monitoring .....	M-4
1. Point Source Discharges .....	M-4
2. Floating Drydock Submergence/Emergence Water Discharges .....	M-6
3. Floating Drydock Ballast Tank Monitoring .....	M-6
4. Floating Boom Cleaning .....	M-6
5. Storm Water Monitoring .....	M-6
E. Receiving Water Monitoring .....	M-12
F. California Toxics Rule Monitoring .....	M-13
G. Compliance Certification .....	M-13
H. Spill/Illicit Discharge Log .....	M-13
I. Chemical Utilization Audit .....	M-14
J. Waste Hauling Log .....	M-14
K. Sediment Chemistry Monitoring .....	M-14
1. Sample Collection .....	M-15
2. Sampling Stations and Analysis .....	M-16
3. Analysis Parameters and Detection Limits .....	M-17
4. Monitoring Results and Reports .....	M-19
5. Sediment Monitoring Station Locations .....	M-21
L. Endnotes References .....	M-22

### List of Tables

<b>Table 1.</b> Monitoring Report Schedule .....	M-3
<b>Table 2.</b> Monitoring Requirements for Fire Protection Water, Hydrostatic Relief Water and Ways and Graving Dock Flood Water .....	M-5
<b>Table 3.</b> Monitoring Requirements for Industrial Storm Water Discharges .....	M-8
<b>Table 4.</b> Station Location General Guidelines .....	M-16
<b>Table 5.</b> Sediment Chemistry Methods and Detection Limits .....	M-18
<b>Table 6.</b> NASSCO Facilities Sampling Site Coordinates .....	M-21
<b>Table 7.</b> Reference Station Sampling Site Coordinates .....	M-22

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The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. National Steel and Shipbuilding Company (NASSCO) is a ship construction, modification, repair, and maintenance facility located in San Diego, California. Operations at NASSCO generate or have the potential to generate discharges of waste to San Diego Bay, an enclosed bay within the San Diego region.
2. Discharges of waste from NASSCO to San Diego Bay have been regulated pursuant to the General Shipyard Permit, Order No. 97-36, NPDES Permit No. CAG039001.
3. Ship construction, modification, repair, and maintenance activities at NASSCO result or have the potential to result in discharges of wastes and pollutants that could cause or threaten to cause pollution, contamination, or nuisance; adversely impact human health or the environment; cause or contribute to violation of an applicable water quality objective; and/or otherwise adversely affect the quality and/or beneficial uses of waters of the state and waters of the United States, particularly San Diego Bay. Such activities include abrasive blasting, hydroblasting, grinding, painting, tank cleaning, removal of bilge and ballast water, and removal of antifouling paint. A variety of wastes and pollutants are generated or are present at NASSCO, including but not limited to: paint chips, abrasive grit, solvents, materials of petroleum origin, and heat. These wastes and pollutants are discharged or have the potential to be discharged by a variety of pathways, including storm water, tidal action, wind, overspray, spills, and leaks. Discharges prohibited by Order No. R9-2003-0005 include:
  - i. Water contaminated with abrasive blast materials;
  - ii. Paint, oils, fuels, lubricants, solvents, or petroleum;
  - iii. Hydroblast water;
  - iv. Tank cleaning water (resulting from tank cleaning operations to remove sludge and/or dirt);
  - v. Clarified water from oil/water separation;

- vi. Steam-cleaning water;
- vii. De-mineralizer and reverse osmosis brine;
- viii. Floating drydock sump water (when the drydock is in use as a work area or when the drydock is not in use as a work area but before the sump has been purged following the drydock being used as a work area);
- ix. Oily bilge water;
- x. Contaminated ballast water; and
- xi. First flush storm water runoff from high risk areas (“first flush” and “high risk areas” are defined in *Attachment E* of this Order).

NASSCO currently diverts these discharges to the San Diego Metropolitan Sanitary Sewer System (SDMSSS).

- 4. NASSCO’s facility operations could result in discharges to San Diego Bay of wastes and pollutants which pose less of a threat than those identified in *Finding 3* above. These discharges are regulated by this Order provided best management practices are implemented. Such discharges include:

- i. Floating drydock submergence/emergence water;
- ii. Pipe and tank hydrostatic test water;
- iii. Vessel washdown water;
- iv. Graving dock flood water;
- v. Shipbuilding ways flood water;
- vi. Miscellaneous low volume flow;
- vii. Shipbuilding ways and graving dock hydrostatic relief water;
- viii. Fire protection water;
- ix. Floating drydock de-ballasting water;
- x. Graving dock caisson gate de-ballasting water;
- xi. Hydrostatic testing water-new vessels; and
- xii. Storm water runoff other than the first flush of storm water from high risk areas.

- 5. The following discharges were regulated by the General Shipyard Permit and are currently being diverted to the San Diego Metropolitan Sanitary Sewer System (SDMSSS). They will be a prohibited discharge to San Diego Bay without prior notification to the Regional Board. Such discharges include:

- i. Saltbox water;
- ii. Steam condensate;
- iii. Compressor and condenser non-contact cooling water;
- iv. Shipbuilding ways gate and wall leakage water;
- v. Graving dock gate and wall leakage water; and
- vi. Floating drydock sump water.

6. The industrial point source discharges to San Diego Bay, as identified in NASSCO's Report of Waste Discharge dated April 15, 2002 are:

- i. Fire Protection Water (FP-1, FP-2, FP-3, FP-4, and FP-5),
- ii. Hydrostatic Relief Water (HR-1, HR-2, and HR-3),
- iii. Floating Drydock De-ballast Water (M-1),
- iv. Graving Dock Flood Dewatering (M-2),
- v. Ways 3 Flood Dewatering (M-3),
- vi. Ways 4 Flood Dewatering (M-4),
- vii. Hydrostatic Testing Water-New Vessels (M-5),
- viii. Graving Dock Gate De-ballast Water (M-6), and
- ix. Pipe and Tank Hydrostatic Test Water (M-8).

These discharges do not ordinarily come in contact with wastes or pollutants (other than heat for 6.i) and no wastes or pollutants are ordinarily added by the activities.

7. Ship construction, modification, repair, and maintenance activities also result or have the potential to result in discharges to San Diego Bay of wastes and pollutants which pose less of a threat to water quality than the discharges listed above. These discharges include marine fouling organisms removed from unpainted, uncoated surfaces by underwater operations, and ship launch grease/wax and keel block sand.
8. Ship construction, modification, repair, and maintenance activities are undertaken by NASSCO as well as by contractors, vessel owners, operators, and crew. This Order applies to those discharges associated with ship construction, modification, repair, and maintenance activities over which NASSCO can reasonably be expected to have control.
9. This Regional Board has determined that NASSCO shall pay an annual fee of \$ 20,000 as defined in Title 23, Section 2200, California Code of Regulations (CCR) as adopted on October 3, 2002. The design flow from NASSCO is in excess of five million gallons per day. This is based on flow rates provided in the Report of Waste Discharge.
10. Storm water discharges associated with industrial activity at NASSCO provide a potentially significant pathway by which pollutants and wastes could be discharged to waters of the United States. Industrial storm water discharges to San Diego Bay from the NASSCO facility have contained significant concentrations of pollutants, particularly copper and zinc. Although NASSCO operates a Storm Water Diversion System (SWDS) that has the capacity to contain and divert all storm water runoff from the facility to the SDMSSS, the possibility exists for industrial storm water discharges to occur. The acute toxicity specifications in the General Shipyard Permit will remain in effect for all industrial storm water discharges.
11. Pursuant to Order No. R9-2002-0002, the Navy is conducting a four-year study regarding toxicity in industrial storm water discharges. The Regional Board encourages NASSCO to participate in this study.

12. Sediment monitoring, as specified in Monitoring and Reporting Program No. R9-2003-0005, will not be required until the sediment cleanup at NASSCO is successfully completed (see Fact Sheet, *Section E.7*). The first set of samples from the NASSCO sampling stations and reference stations are required to be taken concurrently with the last post cleanup sampling.
13. The San Diego Unified Port District (SDUPD) is the trustee of all sites currently known to the Regional Board where ship construction, modification, repair, and maintenance facilities are operated by commercial entities, such as NASSCO. The SDUPD is ultimately responsible for the consequences (e.g. cleanup) of all discharges associated with ship construction, modification, repair, and maintenance activities at sites for which it is the trustee. The SDUPD may also be responsible for the consequences (e.g. cleanup) of all discharges within and from such sites, including those discharges that are not subject to NPDES requirements, pursuant to 40 CFR 122.3. The SDUPD may be responsible for the failure of its tenants to comply with this Order.
14. For purposes of this Order, the term “discharger” means:
  - a. A person who owns and/or operates NASSCO; or
  - b. A person (e.g. a commercial entity engaged in ship construction, modification, repair, and/or maintenance activities), who is a lessee of a site where ship construction, modification, repair, and/or maintenance activities are conducted; or
  - c. A person (e.g. the SDUPD), who is a lessor of a site where ship construction, modification, repair, and/or maintenance activities are conducted. [Note: such lessors are not primarily responsible for day-to-day operations at NASSCO or for compliance with the requirements of this Order (including monitoring and reporting requirements). In order to obtain the assistance of such lessors in obtaining compliance of their lessees with this Order, the Regional Board will notify such lessors of any violations of this Order by their lessees. The Regional Board will not take enforcement action against such lessors for violations of this Order by their lessees unless there is a continued failure to comply by a lessee after the lessor has been given notice of the violations and an opportunity to obtain compliance of the lessee.]
15. The *Comprehensive Water Quality Control Plan, San Diego Basin (9)* (Basin Plan) designates the following beneficial uses of San Diego Bay:
  - Industrial Supply,
  - Navigation,
  - Contact Water Recreation,
  - Non-Contact Water Recreation,
  - Commercial and Sport Fishing,

- Preservation of Biological Habitats of Special Significance,
  - Estuarine Habitat,
  - Wildlife Habitat,
  - Rare, Threatened, and Endangered Species,
  - Marine Habitat,
  - Migration of Aquatic Organisms, and
  - Shellfish Harvesting.
16. According to 40 CFR 122.44(k) of the NPDES regulations, Best Management Practices (BMPs) may be included as permit conditions to control or abate the discharge of pollutants. The implementation of BMPs for the discharge of industrial wastes associated with ship construction, repair, and maintenance activities (as described in *Findings 4, 5, and 6*) are appropriate. A BMPs Program that emphasizes pollution preventive measures should be an effective method to abate the potential for the discharge of pollutants and wastes from the facility. This Order requires NASSCO to develop, implement, and maintain a BMPs plan (Attachment B).
  17. The use of water quality based effluent limitations (WQBEL) are not feasible because the frequency and duration of storm events are highly variable, industrial storm water discharge volume and pollutant concentrations are unpredictable, and the potential impacts to the receiving water from storm events are not clearly understood. For San Diego Bay, the association between storm water discharges and receiving water quality is unknown. Section 402 (a)(1) of the CWA authorizes reliance on limitations based on best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to implement NPDES regulations using best professional judgment (BPJ). The use of BAT and BCT limitations for the discharges of industrial storm water are provided for by 40 CFR 122.44(k)(2). BAT/BCT can be achieved through implementation of appropriate best management practices (BMPs).
  18. Even though the National Toxics Rule (40 CFR 131.36) establishes water quality criteria and provides guidance for development of numerical effluent limitations, the USEPA did not develop WQBEL for industrial storm water discharges subject to its jurisdiction.

The USEPA Multi-Sector General Permit for Industrial Activities, *Sector R*, includes requirements for *Ship and Boat Building or Repair Yards*. According to the Multi-Sector Permit, when the industrial storm water discharge has concentrations greater than the *USEPA Benchmark Values* (p. 64767, Table 3), the industrial facility is required to increase monitoring frequencies. Additionally, the Multi-Sector Permit states that the facility operators should review and modify their storm water pollution prevention plans (SWPPP) and best management practices (BMP) at their facility to try to improve the quality of the storm water discharge when discharge concentrations are greater than the *USEPA Benchmark Values*. The *USEPA Benchmark Value* for copper concentrations is 63.6 µg/L. The *USEPA Benchmark Value* for zinc is 117 µg/L.

19. The USEPA promulgated the final California Toxic Rule (CTR) on May 18, 2000 as required by Section 303(c)(2)(B) of the federal Clean Water Act. The CTR regulations, codified in 40 CFR 131.38, establish numeric criteria for water quality standards for priority toxic pollutants for the State of California. The CTR and the Implementation Policy are applicable to discharges from ship construction, modification, repair, and maintenance activities that occur at NASSCO.
20. The *Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (Implementation Policy) provides guidance for the development of effluent limits for priority toxic pollutants that will be consistent with water quality criteria for such pollutants promulgated by the USEPA in the California Toxics Rule (40 CFR 131.38). The Implementation Policy explicitly excludes discharges of storm water from the requirements for development of effluent limitations for CTR pollutants using the Implementation Policy.
21. Discharge criteria established pursuant to Sections 301, 302, 303(d), 304, 307, 308, and 402 of the CWA, as amended, are applicable to ship construction, modification, repair, and maintenance facilities and activities, including NASSCO.
22. The waste discharge requirements contained in this Order implement the federal NPDES regulations for permitting discharges of pollutants from point sources to waters of the United States and constitute an NPDES permit. The requirements contained in this Order are based on applicable water quality control plans (including the Basin Plan) and state and federal regulations (including NPDES regulations in 40 CFR), guidelines, standards, and policies (including the Enclosed Bays and Estuaries Policy). The requirements contained in this Order are in conformance with the goals of the Clean Water Act (CWA) and Porter-Cologne Water Quality Control Act. This Order is consistent with the provisions of 40 CFR 131.12 (Antidegradation Policy) and SWRCB Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Water in California*). Compliance with conditions of this permit will protect and maintain beneficial uses of San Diego Bay.
23. The issuance of an NPDES permit to NASSCO for discharges associated with ship construction, modification, repair, and maintenance facilities and activities is exempt from the requirements for the preparation of environmental documents under the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000, et seq.) in accordance with CWC § 13389.
24. This Order does not preempt or supersede the authority of municipalities, flood control agencies, or other local agencies to further prohibit, restrict, or control discharges to sanitary sewer systems, storm drain systems, or other watercourses subject to their jurisdiction.



25. This Order shall be modified or revoked at any time if, on the basis of any data, this Regional Board determines that continued discharges could cause unreasonable degradation of the aquatic environment.
26. This Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to the following:
  - a. The beneficial uses to be protected and the water quality objectives required to meet these beneficial uses;
  - b. Past, present and probable future beneficial uses of water;
  - c. Environmental characteristics of the receiving water under consideration, including the quality of those receiving waters;
  - d. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
  - e. Economic considerations;
  - f. The need for developing housing within the region;
  - g. The need to prevent nuisance;
  - h. The need to develop and use recycled water; and
  - i. Other waste discharges.[California Water Code (CWC) § 13263 & 13241]
27. This Regional Board has notified interested parties of its intent to issue waste discharge requirements for NASSCO and has provided them with an opportunity to submit their comments [CWC § 13378 & 13384].
28. This Regional Board, in a public meeting, heard and considered all comments pertaining to waste discharge requirements for discharges from NASSCO [CWC § 13378 & 13384].

**IT IS HEREBY ORDERED** that National Steel and Shipbuilding Company (NASSCO), hereinafter discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act, as amended, and regulations and guidelines adopted thereunder, shall comply with the following:

**A. PROHIBITIONS**

1. The discharger shall comply with all requirements of the Basin Plan Waste Discharge Prohibitions (*Attachment C*) which are hereby included in this Order by reference.
2. The discharge of sewage, except as noted in the Basin Plan Waste Discharge Prohibitions, to San Diego Bay is prohibited.

3. The discharge of industrial process water (other than cooling water), as listed in Finding No. 3, is prohibited [Enclosed Bays and Estuaries Policy (EBEP)].
4. The discharge of the first flush of storm water runoff from high risk areas is prohibited, except if the pollutants in the discharge were reduced to the extent that compliance with the requirements of *Discharge Specification B.4* is achieved.
5. The discharges of municipal and industrial waste sludge and untreated sludge digester supernatant, centrate, or filtrate to San Diego Bay is prohibited [EBEP].
6. The discharge of rubbish, refuse, debris, materials of petroleum origin, waste zinc plates, abrasives, primer, paint, paint chips, solvents, and marine fouling organisms, and the deposition of such wastes at any place where they could eventually be discharged is prohibited. This prohibition does not apply to the discharge of marine fouling organisms removed from unpainted, uncoated surfaces by underwater operations and discharges that result from floating booms that were installed for "Force Protection" purposes (see *Prohibition 10*). (Rubbish and refuse include any cans, bottles, paper, plastic, vegetable matter, or dead animals deposited or caused to be deposited by man.) [EBEP]
7. The discharge of materials of petroleum origin in sufficient quantities to be visible is prohibited [EBEP].
8. The discharge or bypassing of untreated waste to San Diego Bay is prohibited. (This prohibition does not apply to non-contact cooling water, miscellaneous low volume water, and fire protection water streams which comply with the requirements of this Order for elevated temperature waste discharges and which do not contain pollutants or waste other than heat.) [EBEP].
9. The discharge of polychlorinated biphenyl compounds, such as those used for transformer fluid, is prohibited.
10. The discharge of wastes and pollutants from underwater operations, (such as underwater paint and/or coating removal and underwater hull cleaning (e.g. "scamping")), is prohibited. This prohibition does not apply to the discharge of marine fouling organisms removed from unpainted and uncoated surfaces by underwater operations, or to discharges that result from the cleaning of floating booms that were installed for "Force Protection" purposes.

## **B. DISCHARGE SPECIFICATIONS**

1. The effluent limitations in ***Table 1. Effluent Limitations*** apply to discharges of
  - Fire Protection Water;
  - Pipe and Tank Hydrostatic Test Water;
  - Hydrostatic Relief Water (Graving Dock, Ways 3, and Ways 4);

- Flood Dewatering (Graving Dock, Ways 3 and Ways 4);
- Hydrostatic Testing Water (New Vessels);
- Floating Drydock De-ballast Water;
- Graving Dock Gate De-ballast Water;
- Miscellaneous low volume water; and
- Discharges Listed in Finding No. 5 (subject to prior notification to Regional Board).
  - i. Saltbox Water,
  - ii. Steam Condensate,
  - iii. Compressor and condenser non-contact cooling water,
  - iv. Shipbuilding ways gate and wall leakage water,
  - v. Graving dock gate and wall leakage water, and
  - vi. Floating drydock sump water.

**Table 1.** Effluent Limitations.

Constituent / Property	Units	Monthly average (30 day)	Weekly average (7 day)	Maximum at any time
Oil & Grease	mg/L	25	40	75
Settleable Solids	ml/L	1.0	1.5	3.0
Turbidity	NTU	75	100	225
pH	pH units	Within limits of 6.0 – 9.0 at all times.		
Temperature	Not more than 20° F greater than natural temperature of receiving waters.			

2. The following acute and chronic toxicity effluent limits apply to the above discharges except for the discharges listed in Finding No. 5:

**Acute toxicity:** In a 96-hour static or continuous flow bioassay (toxicity) test, undiluted discharges to San Diego Bay shall not produce less than 90% survival, 50% of the time, and not less than 70% survival, 10% of the time, using a standard test species and protocol approved by the Regional Board except where the percent survival in San Diego Bay Water at the intake location is less than these levels. Where the percent survival in San Diego Bay water at the intake location is less than these levels, the percent survival in undiluted discharges to San Diego Bay which consist of water taken from San Diego Bay shall not be less than the percent survival in San Diego Bay water at the intake location. (In the absence of test results demonstrating otherwise, it will be assumed that the percent survival in San Diego Bay water at the intake location is not less than these levels.) [EBEP]

**Chronic toxicity:** The chronic toxicity of undiluted discharges to San Diego Bay which consist of water taken from San Diego Bay shall not exceed 1 Toxicity Unit Chronic (TUc), except where the chronic toxicity of San Diego Bay water at the intake location exceeds 1 TUc. Where the chronic toxicity of San Diego Bay water at the intake location exceeds 1 TUc, the chronic toxicity of undiluted discharges to San Diego Bay which consists of water taken from San Diego Bay shall not exceed the chronic toxicity of San Diego Bay water at the intake location. (In the absence of test results demonstrating otherwise, it will be assumed that the chronic toxicity in San Diego Bay water at the intake location does not exceed 1 TUc.)

3. The following acute and chronic toxicity effluent limits apply to the discharges of Saltbox Water; Steam Condensate; Compressor and condenser non-contact cooling water; Shipbuilding ways gate and wall leakage water; Graving dock gate and wall leakage water; Floating drydock sump water; and Miscellaneous low volume water. (The discharges listed in Finding No. 5.):

**Acute toxicity:** In a 96-hour static or continuous flow bioassay test, the percent survival in undiluted discharges to San Diego Bay shall not be less than 90% survival, 50% of the time, and not less than 70% survival, 10% of the time using a standard test species and protocol approved by the Regional Board.

**Chronic toxicity:** The chronic toxicity of undiluted discharges to San Diego Bay shall not exceed 1 Chronic Toxicity Unit (TUc), as determined using a standard test species and protocol approved by the Regional Board.

4. The following acute toxicity limit applies to undiluted storm water discharges to San Diego Bay, that are associated with industrial activity:

**Acute toxicity:** In a 96-hour static or continuous flow bioassay test, the discharge shall not produce less than 90% survival, 50% of the time, and not less than 70% survival, 10% of the time, using a standard test species and protocol approved by the Regional Board.

5. Discharges shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR 117 and/or 40 CFR 302.
6. The discharger shall reduce or prevent the discharge of pollutants through implementation of Best Available Technology economically achievable [BAT, CWA § 301 (b)(2)(A)] for toxic and non-conventional pollutants and Best Conventional Pollution Control Technology [BCT, CWA § 301 (b)(2)(E)] for conventional pollutants. Development and implementation of a BMP Program that complies with the requirements in *Section E-Provisions*, and *Attachment B* of this permit and that achieves BAT/BCT constitute compliance with this requirement. Refer to *Section E.7, Provisions*, for additional requirements.

7. Waste discharges shall be discharged in a manner so as to achieve the most rapid initial dilution practicable to minimize concentrations of substances not removed by source control or treatment. [EBEP]
8. Waste management systems (e.g. wastewater treatment systems and waste storage facilities) shall be designed, constructed, operated, and maintained so as to prevent the discharge of pollutants and maintain indigenous marine life and a healthy and diverse marine community.
9. Waste discharges shall be essentially free of:
  - a. Material that is floatable or will become floatable upon discharge.
  - b. Settleable material or substances that may form sediments which will degrade benthic communities or other aquatic life.
  - c. Substances which will accumulate to toxic levels in marine waters, sediments, or biota.
  - d. Materials that result in aesthetically undesirable discoloration of receiving waters.
  - e. Substances that significantly decrease the natural light to benthic communities and other marine life.

#### **C. RECEIVING WATER LIMITATIONS**

Discharges shall not cause or contribute to violations of the following receiving water limitations:

1. There shall be no adverse impact on human health or the environment.
2. There shall be no impairment of any beneficial use, or violations of the applicable Basin Plan Water Quality Objectives (*Attachment C*), or any applicable State water quality control plan or policy.
3. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.
4. Natural light shall not be significantly reduced as the result of the discharge of waste.
5. The rate of deposition of inert solids and the characteristics of inert solids in sediments shall not be changed such that benthic communities are degraded.
6. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.
7. The concentration of substances in marine sediments shall not be increased to levels that would degrade indigenous biota.

8. The concentration of organic materials in sediment shall not be increased to levels that would degrade marine life.
9. Substances shall not be present in the water column, sediments, or biota at concentrations that adversely affect beneficial uses or which will bioaccumulate to levels that are harmful to aquatic organisms, wildlife, or human health.

**D. SPECIAL CONDITIONS**

Discharges from emergency fire fighting activities are not prohibited by this permit and are not subject to the requirements herein.

**E. PROVISIONS**

1. The discharger shall develop and implement an adequate BMP Program that achieves BAT/BCT. The BMP Program shall be developed and implemented in accordance with *Attachment B* to prevent, or minimize the potential for, the release of pollutants to waters of the state and waters of the United States. The discharger shall amend its BMP Program whenever:
  - a. There is a change in facility design, construction, materials, operation, or maintenance that materially affects the potential for discharge of pollutants into waters of the state or waters of the United States. (In these situations, the amended BMP Program shall be implemented concurrent with the changes specified above.);
  - b. Changes to the BMP Program are necessary to prevent a violation of this Order. (In these situations, the amended BMP Program shall be implemented in time to prevent such violations.);
  - c. Changes to the BMP Program are necessary to correct a violation of this Order. (In these situations, the amended BMP Program shall be implemented to correct such violations as soon as possible.); or
  - d. Directed to do so by this Regional Board. (In these situations, the amended BMP Program shall be implemented in accordance with time frames specified by the Regional Board.)
2. Where this Regional Board determines that the discharger's BMP Program is not maintained or adequate, the discharger shall amend its BMP Program in accordance with time frames specified by this Regional Board. Where this Regional Board determines

that the discharger is not adequately implementing its BMP Program, the discharger shall immediately modify implementation of its BMP Program accordingly.

3. The discharger shall submit a copy of each amendment to the BMP Program to this Regional Board no later than the implementation date of the amendment.
4. A copy of this Order and the BMP Program manual shall be kept at a readily accessible location at the discharger's site and shall be available to onsite personnel at all times.
5. The discharger shall comply with lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges entering storm drain systems or other watercourses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by this Regional Board to local agencies.
6. The discharger shall comply with all requirements of the Standard Provisions (*Attachment D*), which are part of this Order.
7. Implementation of a BMP Program does not, in and of itself, constitute compliance with the receiving water limitations or other requirements of this Order. If discharges cause or contribute to any impairment of a beneficial use or any violation of the receiving water limitations of this Order, the discharger shall conduct an investigation to determine the source(s) of pollutants causing or contributing to such impairment or violation, and the persistence thereof. Based on the findings of the completed investigation, the discharger shall submit to this Regional Board a technical report that presents the results of this investigation, evaluates whether its BMP Program will prevent future beneficial use impairment and receiving water limitation violation, and includes a description of and schedule for implementation of any necessary modifications to its BMP Program. The discharger shall complete and submit the technical report within 60 days after the impairment or violation is identified, unless a different time frame is specified by this Regional Board. The discharger shall document the status and effectiveness of such modifications to the BMP Program in its annual report (see *Monitoring and Reporting Program No. R9-2003-0005*).
8. It shall not be a defense for the discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order.
9. It shall not be a defense for the discharger in an enforcement action that effluent limitation violations are a result of analytical variability rendering the results inaccurate. The validity of the testing results, whether or not the discharger has monitored or sampled more frequently than required by this Order, shall not be a defense to an enforcement action.

## **F. REPORTING REQUIREMENTS**

1. Annually, the discharger shall evaluate the data collected pursuant to *Monitoring and Reporting Program No. R9-2003-0005* and determine if the data indicates that the discharge has caused or contributed to an exceedance of applicable water quality objectives or impairment of water quality needed for designated beneficial uses in San Diego Bay.
2. The discharger shall file a new Report of Waste Discharge not less than 180 days prior to the following:
  - a. Addition of any industrial waste to the discharge or the addition of a new process or product resulting in a change in the character of the wastes;
  - b. Significant change in disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste);
  - c. Significant change in disposal area (e.g., moving the discharge to a disposal area significantly removed from the original area, potentially causing different water quality or nuisance problems);
  - d. Increase in flow beyond that specified in this Order; or
  - e. Other circumstances, which result in a material change in character, amount, or location of the waste discharge.
3. The discharger shall give advanced notice to this Regional Board of any planned changes in the regulated facility or activity, which may result in noncompliance with the requirements of this Order.
4. The discharger must notify this Regional Board, in writing, at least 30 days in advance of any proposed transfer of this facility to a new discharger. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable on and after the transfer date.
5. The discharger shall report any noncompliance which may endanger health or the environment orally to this Regional Board within 24 hours from the time the discharger becomes aware of the circumstances. The following occurrences must be reported to this Regional Board within 24 hours:
  - Any upset which causes the effluent limitations of this Order to be exceeded; and
  - Any violation of any prohibition of this Order.



The discharger shall submit to this Regional Board a written follow-up report within ten days unless this Regional Board explicitly waives submittal of the written report on a case-by-case basis if the oral report has been received within 24 hours. The written report must contain the following items:

- A description of the noncompliance and its cause;
  - The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
  - Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
6. The discharger shall notify the Regional Board prior to discharging any wastes listed in Finding No. 5, that is, salt box water; steam condensate; compressor and condensor non-contact cooling water; shipbuilding ways gate and wall leakage water; graving dock and wall leakage water; floating drydock sump water; and miscellaneous low volume water. Pursuant to Section 2.2 of the Implementation Policy (see Section E.4 of the Fact Sheet to Order No. R9-2003-0005), additional monitoring will be required and this Regional Board will conduct a Reasonable Potential Analysis (RPA) to determine if effluent limits are needed.
  7. The discharger shall furnish to this Regional Board, within a reasonable time, any information which this Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order, or to determine compliance with this Order. The discharger shall also furnish to this Regional Board, upon request, copies of records required to be kept by this Order.
  8. When the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge, or submitted incorrect information in a Report of Waste Discharge, or in any report to this Regional Board, it shall promptly notify this Regional Board of the failure and submit corrected facts or information.
  9. All applications, reports, or information submitted to this Regional Board shall be signed and certified as follows:
    - a. All Reports of Waste Discharge shall be signed as follows by a responsible corporate officer. For purposes of this section, a responsible corporate officer includes: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing

other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. [40 CFR 122.22]

NOTE: The USEPA does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR 122.22. The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR 122.22 rather than to specific individuals.

- b. All reports required by this Order, and other information requested by this Regional Board shall be signed by a person described in *Section F.9.a* of this Order, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - (1) The authorization is made in writing by a person described in paragraph a. of this reporting requirement;
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and,
  - (3) The written authorization is submitted to this Regional Board.
- c. If an authorization under *Section F.8.b* of this Order is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *Section F.8.b*. must be submitted to this Regional Board prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Any person signing a document under *Section F.8.a* and *b* of this Order shall make the following certification:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on*

*my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

10. All reports prepared in accordance with the terms of this Order shall be available for public inspection at the offices of the California Regional Water Quality Control Board, San Diego Region and the United States Environmental Protection Agency, Region IX.
11. The discharger shall submit reports and provide notifications as required by this Order in accordance with the following:

- a. Reports to be submitted to this Regional Board shall be sent to:

California Regional Water Quality Control Board  
San Diego Region  
Attn: Industrial Compliance Unit  
9174 Sky Park Court, Suite 100  
San Diego, California 92123-4340

Notifications to be provided to this Regional Board shall be made to:  
Telephone - (858) 467-2952 or  
Facsimile - (858) 571-6972

Reports to be submitted to the U.S. EPA shall be sent to:


U.S. Environmental Protection Agency  
Region IX  
Compliance Office (WTR-7)  
75 Hawthorne Street  
San Francisco, California 94105

## **G. NOTIFICATIONS**

1. This Order shall become effective 10 days after the date of its adoption, provided the Regional Administrator or Director, U.S. EPA, has no objection. If the Regional Administrator or Director objects to its issuance, this Order shall not become effective until such objection is withdrawn.
2. This Order expires on February 5, 2008. However, it will continue in force and effect until superseded by a new permit or rescinded.

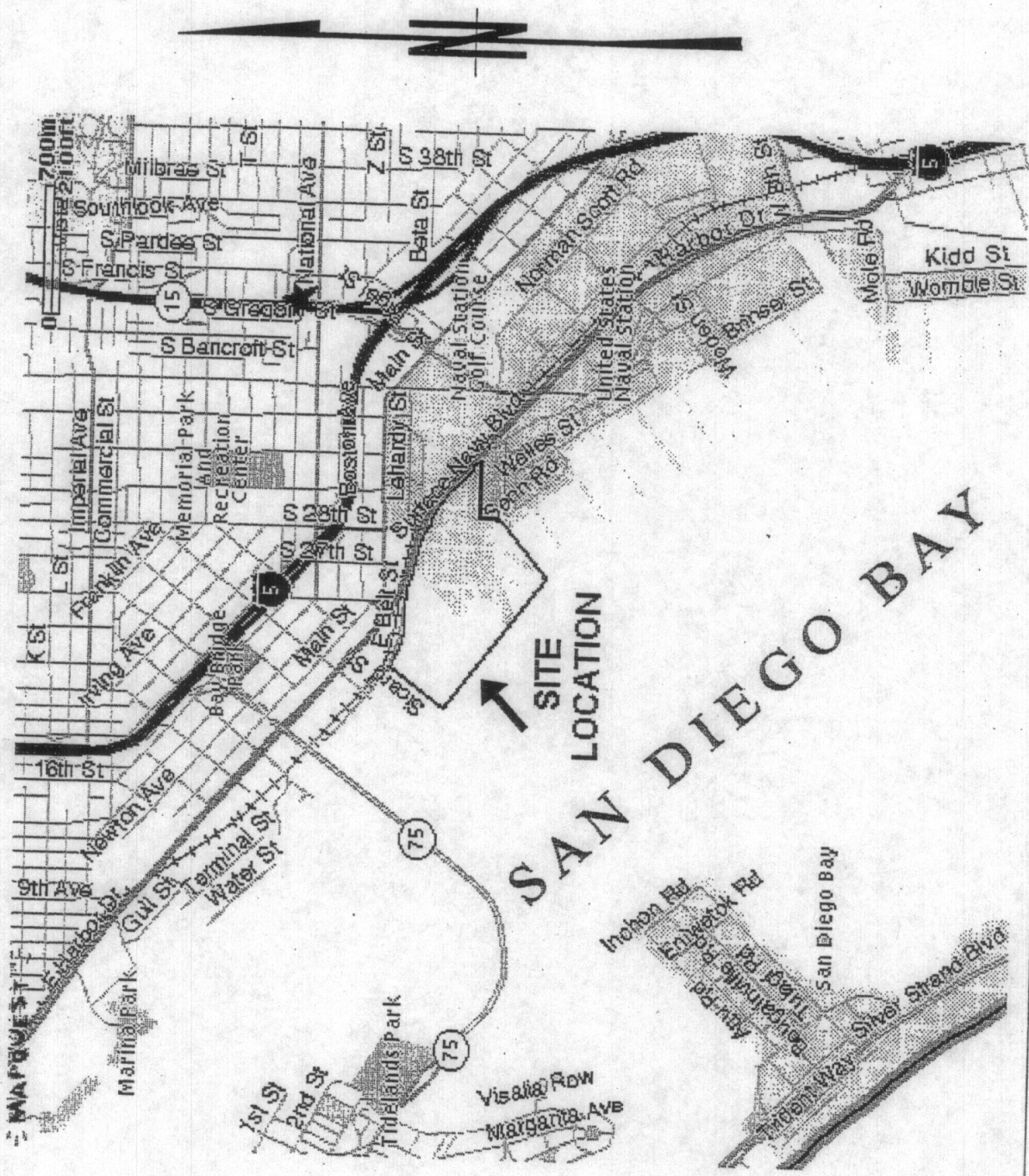
3. This Order includes requirements for storm water discharges associated with industrial activity at ship construction, modification, repair, and maintenance activities at NASSCO. This Order supercedes the statewide general industrial storm water permit adopted by the SWRCB (Order No. 97-03-DWQ, NPDES General Permit No. CAS000001).
4. This Order does not include requirements for storm water discharges associated with construction activity. NASSCO needs to be regulated under the statewide general construction storm water permit adopted by the SWRCB (currently Order No. 99-08 DWQ, NPDES General Permit No. CAS000002) for discharges to which that Order applies.
5. This Order does not apply to discharges of radioactive materials regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

*I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region on February 5, 2003.*

  
JOHN H. ROBERTUS  
Executive Officer  
February 5, 2003

## **ATTACHMENT A**

### **NASSCO SITE LOCATION AND FACILITY MAP**



**Attachment (1)      Site Location Map – NASSCO**





## **ATTACHMENT B**

### **BEST MANAGEMENT PRACTICES PROGRAM REQUIREMENTS**

#### **1. Objectives**

The Best Management Practices Program has two primary objectives:

- a. To identify and evaluate sources of wastes and pollutants associated with ship construction, modification, repair, and maintenance facilities and activities which may affect the quality of water of the state and waters of the United States; and
- b. To identify and implement site-specific Best Management Practices to reduce or prevent the discharge of wastes and pollutants to waters of the state and waters of the United States.

#### **2. Best Management Practices Program Manual**

The discharger's Best Management Practices (BMP) Program shall be set forth in a written BMP Program Manual that contains descriptions of onsite activities, pollutant sources, and pollutants; descriptions of BMPs used at the site; drawings; maps; and copies of and/or references to parts of other relevant programs. The BMP Program Manual shall be revised whenever appropriate. It shall be readily available for review by facility employees, other onsite personnel, and SDRWQCB, USEPA, SDUPD, and other authorized inspectors.

The BMP Program Manual is considered a report that shall be available to the public from the SDRWQCB under Section 308(b) of the Clean Water Act.

#### **3. Planning and Organization**

- a. Pollution Prevention and Control Personnel

The BMP Program Manual shall identify the positions and individuals responsible for development, implementation, and revision of the BMP Program and for conducting all monitoring requirements specified in this Order. The BMP Program Manual shall clearly identify the responsibilities, duties, and activities of all pollution prevention and control personnel.



b. Related Regulatory Requirements

The BMP Program Manual shall contain or incorporate by reference the appropriate elements of programs implemented at the site in connection with other regulatory requirements. The discharger shall review all local, State, and Federal requirements that impact, complement, are related to, or are consistent with the requirements of this Order. The BMP Program Manual shall identify any existing onsite programs that include water pollution prevention or control measures relating to the requirements of this Order.

**4. Site Map**

The BMP Program Manual shall include a site map that includes notes, legends, and other data as appropriate to ensure that the site map is clear and understandable. The site map shall be on an 8-1/2 x 11 inch or larger sheet. If necessary, the required information may be shown on multiple site maps.

The following information shall be included on the site map:

- a. The site boundaries; the boundaries of all drainage areas on the site; portions of the site impacted by run-on from surrounding areas; direction of flow and outlet point of each drainage area; onsite and nearby waters of the United States; areas of soil erosion; and municipal and onsite storm drain inlets into which runoff from the site may flow.
- b. The location of the site runoff collection and conveyance system and associated points of discharge, direction of flow, and any structural control measures that affect site runoff and run-on. Examples of structural control measures are storm drain inlets, catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.
- c. The boundaries of all impervious areas of the site, including paved areas, buildings, covered storage areas, or other roofed structures and respective discharge points.
- d. Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks, identified in accordance with *Section 6.a. (4)* below, have occurred.
- e. Areas of industrial activity; this shall include the locations of all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment, storage, and disposal areas, dust or particulate generating areas, cleaning and rinsing areas, and other areas of industrial activity which are potential pollutant sources.

## **5. List of Significant Materials**

The BMP Program Manual shall include a list of significant materials handled and stored at the site. For each material on the list, the locations where the material is stored, received, shipped, and handled, as well as the typical quantities and frequencies, shall be described. The materials list shall include raw materials, intermediate products, final or finished products, recycled materials and waste or disposed materials.

## **6. Description of Potential Pollutant Sources**

- a. The BMP Program Manual shall include a narrative description of the industrial activities at the site, as identified in accordance with *Section 4.e* above, associated potential pollutant sources, and pollutants that could be discharged. At a minimum, the following items related to industrial activities and the site shall be addressed:

- (1) Industrial Processes

Each industrial process; the type, characteristics, and quantity of significant materials used in or resulting from the process; and description of the manufacturing, cleaning, rinsing, recycling, disposal, or other activities related to the process shall be described. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

- (2) Material Handling and Storage Areas

Each handling and storage area; the type, characteristics, and quantity of significant materials handled or stored; shipping, receiving, and loading procedures; and spill and leak prevention and response procedures shall be described. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

- (3) Dust and Particulate Generating Activities

All activities that generate dust or particulates and their discharge locations, the characteristics of dust and particulate pollutants, the approximate quantity of dust and particulate pollutants generated, and the primary locations where dust and particulate pollutants would settle shall be identified.

(4) Significant Spills and Leaks

Materials that have spilled or leaked in significant quantities since April 17, 1994, including toxic chemicals (listed in 40 CFR 302) that have been discharged, as reported on U.S. Environmental Protection Agency (USEPA) Form R, and oil and hazardous substances in excess of reportable quantities (see 40 CFR 110, 117, and 302) shall be described.

The description shall include the type, characteristics, and approximate quantity of the materials spilled or leaked, the cleanup or remedial actions that have occurred or are planned, the approximate remaining quantity of materials that could be discharged, and the preventive measures taken to ensure spills and leaks do not recur. This list shall be updated continuously during the term of this Order.

(5) Discharges

The discharger shall investigate its site to identify all discharges and their sources. As part of this investigation, all drains (inlets and outlets) shall be evaluated to identify whether they connect to an onsite or municipal storm drain system or otherwise empty into waters of the United States.

All discharges shall be described. This shall include the source, quantity, frequency, and characteristics of the discharges and associated drainage area.

The BMP Program Manual shall include BMPs to prevent, or minimize, the potential for contact of water discharged from the site, with significant materials and equipment.

(6) Soil Erosion

The site locations where soil erosion could occur shall be identified.

- b. The BMP Program Manual shall include a summary of all areas of industrial activities, potential pollutant sources, and pollutants that could be discharged. This information shall be summarized in a form similar to *Table A*. The last column of *Table A*, "Best Management Practices," shall be completed in accordance with *Section 8* below.

**TABLE A****EXAMPLE****ASSESSMENT OF POTENTIAL POLLUTION SOURCES AND  
CORRESPONDING BEST MANAGEMENT PRACTICES****SUMMARY**

Area	Activity	Pollutant Source	Pollutant	Best Management Practices
Vehicle & Equipment Fueling	Fueling	Spills and leaks during delivery	Fuel oil	<ul style="list-style-type: none"><li>- Use spill and overflow protection</li><li>- Minimize run-on of storm water into the fueling area</li><li>- Cover fueling area</li><li>- Use dry cleanup methods rather than hosing down area</li><li>- Implement proper spill prevention control program</li><li>- Implement adequate preventive maintenance program to prevent tank and line leaks</li><li>- Inspect fueling areas regularly to detect problems before they occur</li><li>- Train employees on proper fueling, cleanup, and spill response techniques</li></ul>
		Spills caused by topping off fuel tanks	Fuel oil	
		Hosing or washing down fuel area	Fuel oil	
		Leaking storage tanks	Fuel oil	
		Rainfall running off fueling area, and rainfall running onto and off fueling area	Fuel oil	

## **7. Assessment of Potential Pollutant Sources**

- a. The BMP Program Manual shall include a narrative assessment of all industrial activities and potential pollutant sources as described in accordance with *Section 6* above to determine:
  - (1) Which areas of the site and activities at the site are likely sources of pollutants, and
  - (2) Which pollutants are likely to be discharged. When performing this assessment, the discharger shall consider and evaluate various factors, including current BMPs; quantities of significant materials handled, produced, stored, or disposed of; locations of potential pollutant sources; form of pollutants; likelihood of exposure of pollutants to wind and site runoff; history of spills and leaks; run-on from offsite sources; and other factors as appropriate for each potential pollutant source and each pollutant.
- b. The BMP Program Manual shall identify the areas of and activities at the site that are likely sources of pollutants and the corresponding pollutants that are likely to be discharged.

The discharger shall develop and implement BMPs as appropriate and necessary to prevent, or minimize the potential for, the discharge of pollutants associated with each potential pollutant source. The BMPs shall be described in accordance with *Section 8* below.

## **8. Best Management Practices**

- a. The BMP Program Manual shall include a narrative description of the BMPs to be implemented at the site for each pollutant and its potential source(s) identified in accordance with *Sections 6* and *7* above. The BMPs shall be developed and implemented to prevent, or minimize the potential for, the discharge of pollutants. Each pollutant and its potential source(s) may require one or more BMPs. Some BMPs may be appropriate for multiple pollutants and/or multiple potential sources, while other BMPs may be appropriate for only a single pollutant and/or only a single potential source.

The description of the BMPs shall identify the BMPs as (1) existing BMPs, (2) existing BMPs to be revised and implemented, or (3) new BMPs to be implemented. The description shall also include a discussion of the effectiveness of each BMP to prevent, or minimize the potential for, the discharge of pollutants. The BMP Program Manual shall include a summary of the BMPs implemented for each potential pollutant source. This information

shall be summarized in a form similar to *Table A*.

- b. The discharger shall give highest priority to development and implementation of “Preventive BMPs,” i.e. measures to reduce or eliminate the generation of pollutants and waste, such as waste minimization and Pollution Prevention (P2).

In addition, the discharger shall develop and implement “Control BMPs,” i.e. measures to control or manage pollutants and waste after they are generated and before they come into contact with water, including measures to prevent leaks, spills, and other releases.

The discharger shall also develop and implement “Treatment BMPs,” i.e. measures to remove pollutants and waste from water released to San Diego Bay.

As a contingency, the discharger shall also develop and, as necessary, implement “Response BMPs,” i.e. measures to respond to leaks, spills, and other releases with containment, control, and cleanup to prevent, or minimize the potential for, the discharge of pollutants and to minimize the adverse effects of such discharges.

- c. The BMP Program shall include BMPs which adequately address the following:

- (1) Control of large solid materials
- (2) Abrasive blasting
- (3) Oil, grease, and fuel transfers
- (4) Paint and solvent use
- (5) Dust and overspray
- (6) Over water activities
- (7) Storm drain inlet protection
- (8) Hose, piping, and fitting use and maintenance
- (9) Segregation of water not containing pollutants from pollutants and from water containing pollutants
- (10) Segregation of water from debris
- (11) Hydroblasting
- (12) Material (including waste) storage
- (13) Sewage (black water) disposal
- (14) Gray water disposal
- (15) Oily bilge and ballast water disposal
- (16) Floating dry dock, graving dock, shipbuilding ways, and marine railway cleanup
- (17) Sally port protection
- (18) Discharges resulting from wind, tidal action, and site runoff (including rainfall runoff and other miscellaneous water flows)
- (19) Leaks and spills
- (20) Waste (including sludge) disposal
- (21) Recovery of ship launch grease/wax

- (22) Other activities with potential to result in discharges of wastes or pollutants to waters of the United States.
- d. The BMP Program Manual shall include non-structural and structural BMPs as appropriate.
  - (1) Non-structural BMPs include but are not limited to:
    - (a) Good Housekeeping

This consists of practical procedures to maintain a clean and orderly site, to separate water from pollutants, and to separate pollutants from water.
    - (b) Preventive Maintenance

This includes the regular inspection and maintenance, including testing, of structural controls (catch basins, oil/water separators, etc.) as well as other site equipment and systems.
    - (c) Material Handling and Storage

This includes procedures to minimize the potential for spills and leaks and to minimize exposure of significant materials to water.
    - (d) Spill and Leak Response

This includes containment, control, and cleanup procedures.
    - (e) Onsite Personnel Training

This includes training of all onsite personnel whose actions or lack thereof could result in the discharge of pollutants. Such personnel include employees of the discharger as well as other onsite personnel, such as personnel associated with subcontractors, customers (e.g. US Navy), and others. This also includes training of personnel who are responsible for (1) implementing the BMP Program, (2) conducting inspections, sampling, and visual observations, and (3) managing the site drainage system. Training should address topics such as good housekeeping, material handling and storage, spill response, and actions necessary to implement all BMPs identified in the BMP Program Manual. The BMP Program Manual shall identify periodic dates for such training. Records shall be maintained of all training sessions held.

(f) Waste Handling/Recycling

This includes procedures and processes to handle, store, recycle, and dispose of waste materials.

(g) Recordkeeping and Internal Reporting

This includes procedures to ensure that all records of inspections, spills, maintenance activities, corrective actions, visual observations, etc., are developed, retained, and provided, as necessary, to the appropriate personnel.

(h) Erosion Control and Site Stabilization

This includes all sediment and erosion control activities. This may include the planting and maintenance of vegetation, diversion of run-on and runoff, placement of sandbags, silt screens, or other sediment and erosion control devices, etc.

(i) Inspections

This includes, in addition to the preventive maintenance inspections identified above, an inspection schedule of all potential pollutant sources. Tracking and follow-up procedures shall be implemented to ensure adequate corrective actions are taken and adequate BMPs are developed and implemented.

(j) Quality Assurance

This includes procedures to ensure that the BMP Program is adequate and that all elements of the BMP Program and Monitoring and Reporting Program are completely implemented.

(2) Structural BMPs include but are not limited to:

(a) Overhead Coverage

This includes structures that provide coverage over or enclosure of materials, work areas, and potential pollutant sources.

(b) Retention Ponds

This includes basins, ponds, surface impoundments, bermed areas, etc., that prevent pollutants from being discharged from the site.



(c) Control Devices

This includes berms or other devices that channel or route water away from potential pollutant sources.

(d) Secondary Containment Structures

This includes structures around storage tanks and other areas for the purpose of containing leaks and spills.

(e) Treatment

This includes inlet controls, infiltration devices, oil/water separators, detention ponds, vegetative swales, etc., which remove pollutants from water before they are discharged.

**9. Annual Comprehensive Site Compliance Evaluation**

The discharger shall conduct at least one comprehensive site compliance evaluation (evaluation) in each reporting period (July 1-June 30). The evaluation shall be conducted not less than 8 or more than 16 months apart. The BMP Program shall be revised, as appropriate, and the revisions implemented within 90 days of the evaluation. Evaluations shall include the following:

- a. A review of all visual observation records, inspection records, and sampling and analysis results.
- b. A visual inspection of all potential pollutant sources for evidence of, or the potential for, the discharge of pollutants.
- c. A review and evaluation of all BMPs (both structural and non-structural) to determine whether the BMPs are adequate, properly implemented and maintained or whether additional BMPs are needed. A visual inspection of equipment needed to implement the BMP Program, such as spill response equipment, shall be included.
- d. An evaluation report that includes, (i) identification of personnel performing the evaluation, (ii) the date(s) of the evaluation, (iii) necessary BMP Program revisions, (iv) schedule for implementing BMP Program revisions, (v) any incidents of non-compliance and the corrective actions taken, and (vi) a certification that the discharger is in compliance with this Order. If the above certification cannot be provided, the evaluation report shall include an explanation of why the discharger is not in compliance with this Order. The evaluation report shall be submitted as part of the annual report (see Monitoring

and Reporting Program), retained for at least five years, and signed and certified in accordance with the requirements of this Order.

## **ATTACHMENT C**

### **BASIN PLAN WATER QUALITY OBJECTIVES APPLICABLE TO SAN DIEGO BAY**

#### **1. Bacterial Characteristics:**

- a. The fecal coliform concentration shall not exceed a log mean of 200/100 ml based on a minimum of not less than five samples for any 30 day period. During any 30-day period, not more than 10 percent of the samples shall exceed 400/100 ml. However, if the discharge is in the vicinity where shellfish may be harvested for human consumption, the limits are 70 MPN/100 ml and 230/100 ml respectively.
- b. In San Diego Bay where bay waters are used for whole fish handling, the density of Escherichia Coli (E. Coli) shall not exceed 7/ml in more than 20 percent of any 20 daily consecutive samples of bay water.
- c. In waters designated for contact recreation, the enterococci limit is 35 colonies/ml for steady state measurement; and ranges from 104 to 500 colonies/ml maximum at any time.

#### **2. Physical Characteristics:**

- a. Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses.
- b. The natural color of fish, shellfish or other resources shall not be impaired.
- c. Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
- d. Waters shall not contain oils, greases, waxes or other materials in concentrations which result in a visible film or coating on the surface of the water or on objects in the water, or which cause nuisance or otherwise adversely affect beneficial uses.
- e. Waters shall not contain suspended and settleable solids in concentrations of solids that cause nuisance or adversely affect beneficial uses.
- f. Waters shall not contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or which cause a nuisance or adversely affect beneficial uses.

- g. Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. The transparency of San Diego Bay waters, insofar as it may be influenced by any controllable factor, either directly or through induced conditions, shall not be less than 8 feet in more than 20 percent of the readings in any zone, as measured by a standard Secchi disk. Wherever the water is less than 10 feet deep, the Secchi disk reading shall not be less than 80 percent of the depth in more than 20 percent of the readings in any zone.
- h. The natural receiving water temperature shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not adversely affect beneficial uses.

### **3. Chemical Characteristics:**

- a. Waters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growths cause nuisance or adversely affect beneficial uses.
- b. The discharge of wastes shall not cause concentrations of un-ionized ammonia ( $\text{NH}_3$ ) to exceed 0.025 mg/l (as N).
- c. The annual mean dissolved oxygen concentration shall not be less than 7 milligrams per liter (mg/l) more than 10 percent of the time.
- d. The pH shall not be depressed below 7.0 nor raised above 9.0. Changes in normal ambient pH levels shall not exceed 0.2 units from that which occurs naturally.
- e. No individual pesticide or combination of pesticides shall be present in the water column, sediments or biota at concentrations that adversely affect beneficial uses. Pesticides shall not be present at levels that will bioaccumulate in aquatic organisms to levels that are harmful to human health, wildlife, or aquatic organisms.
- f. Waters shall not contain taste or odor-producing substances at concentrations that cause a nuisance or adversely affect beneficial uses.
- g. The natural taste and odor of fish, shellfish or other water resources used for human consumption shall not be impaired.
- h. Waters shall not contain toxic pollutants in excess of the numerical objectives applicable to California specified in 40 CFR 131.36 (§131.36 revised at 65 FR 19661, April 12, 2000).

#### **4. Radioactivity:**

Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.

#### **5. Biological Characteristics:**

- a. Waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analysis of species diversity, population density, growth anomalies, bioassays of appropriate duration, or other appropriate methods as specified by the Regional Board.
- b. The survival of aquatic life in waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge or, when necessary, for other control water that is consistent with the requirements specified in USEPA, State Water Resources Control Board, or other protocol authorized by the Regional Board. As a minimum, compliance with this objective shall be evaluated with a 96-hour acute bioassay.

**ATTACHMENT D**  
**STANDARD PROVISIONS**

1. The following sections of 40 CFR are incorporated into this permit by reference:
  - a. 122.5 *Effect of a permit*
  - b. 122.21 *Application for a permit*
  - c. 122.22 *Signatories to permit applications and reports*
  - d. 122.41 *Conditions applicable to all permits*
  - e. 122.61 *Transfer of permits*
  - f. 122.62 *Modification or revocation of permits*
  - g. 122.63 *Minor modifications of permits*
  - h. 122.64 *Termination of permits*
2. *Review and revision of permit:* Upon application by any affected person, or on its own motion, the Regional Board may review and revise this permit. [CWC §13263(e)]
3. *Termination or modification of permit:* This permit may be terminated or modified for causes, including, but not limited to, any of the following:
  - (a) Violation of any condition contained in this permit.
  - (b) Obtaining this permit by misrepresentation, or failure to disclose fully all relevant facts.
  - (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. [CWC §13381]
4. *Material change:* Not less than 180 days prior to any material change in the character, location, volume, or amount of waste discharge, the discharger shall submit a technical report describing such changes. Such changes include but are not limited to the following:
  - (a) Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.
  - (b) Significant change in disposal method, e.g., change from land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
  - (c) Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.
  - (d) Increase in flow beyond that specified in the waste discharge requirements.

- (e) Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CWC 13372, 13376, 13264, 23 CCR 2210]
  - (f) Any substantial change in the amount or characteristics of pollutants used, handled, stored, or generated.
  - (g) Any new discharge of pollutants or new potential pollutant source.
  - (h) Other circumstances which could result in a material change in the character, amount, or location of discharges. [CWC 13372, 13264, 23 CCR 2210]
5. *Transfers*: When this permit is transferred to a new owner or operator, such requirements as may be necessary under the California Water Code may be incorporated into this permit.
6. *Conditions not stayed*: The filing of a request by the discharger for modification, revocation and reissuance, or termination of this Order, or a notification of planned change in or anticipated noncompliance with this Order does not stay any condition of this Order.
7. *Monitoring and Reporting Program*: The discharger shall conduct monitoring and submit reports in accordance with *Monitoring and Reporting Program (MRP) No. R9-2002-0175*. Monitoring results shall be reported at the intervals specified in *MRP No. R9-2002-0175*. [CWC 13267 & 13383, 23 CCR 2230, 40 CFR 122.43(a), 122.44(l)(4), 122.48]
8. *Availability*: A copy of this Order shall be kept at a readily accessible location at the facility and shall be available to on-site personnel at all times.
9. *Duty to minimize or correct adverse impacts*: The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
10. *Responsibilities, liabilities, legal action, penalties*: The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the Clean Water Act (CWA). [CWC §13385, 13387]

Nothing in this Order shall be construed to protect the discharger from its liabilities under federal, state, or local laws. Except as provided for in 40 CFR 122.41(m) and (n), nothing in this Order shall be construed to relieve the discharger from civil or criminal penalties for noncompliance.

Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the CWA.

Nothing in this Order shall be construed to preclude institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the CWA

11. *Noncompliance*: Any noncompliance with this permit constitutes violation of the California Water Code and is grounds for denial of an application for permit modification. [40 CFR 122.41 (a)]
12. *Discharge is a privilege*: No discharge of waste into waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights. [CWC §13263(g)]
13. *Permittee*: For the purposes of this permit, the term "permittee" used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term "discharger" used elsewhere in this permit.
14. *Director*: For the purposes of this permit, the term "Director" used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term "Regional Board" used elsewhere in this permit, except that in 40 CFR 122.41(h) & (i), "Director" shall mean "Regional Board, State Board, and U.S. EPA."
15. *Effective date*: This Order shall become effective ten days after the date of its adoption provided the U.S. EPA Regional Administrator has no objection. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.
16. *Expiration*: This Order expires February 5, 2008. [40 CFR 122.43, 122.44(h), 122.46]
17. *Continuation of expired permit*: After this permit expires, the terms and conditions of this permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on the continuation of expired permits are complied with. [40 CFR 122.6, 23 CCR 2235.4]



18. *Applications*: Any application submitted by the discharger for reissuance or modification of this permit shall satisfy all applicable requirements specified in federal regulations as well as any additional requirements for submittal of a Report of Waste Discharge specified in the California Water Code and the California Code of Regulations.
19. *Confidentiality*: Except as provided for in 40 CFR 122.7, no information or documents submitted in accordance with or in application for this permit will be considered confidential, and all such information and documents shall be available for review by the public at the office of the Regional Board.
20. *Severability*: The provisions of this Order are severable, and if any provision of this Order, or the application of any provisions of this Order to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected thereby.
21. *Discharge Monitoring Quality Assurance (DMQA) Program*: The discharger shall conduct appropriate analyses on any sample provided by EPA as part of the DMQA program. The results of such analyses shall be submitted to EPA's DMQA manager. [State Board/U.S. EPA 106 MOA]
22. *Pollution, Contamination, Nuisance*: The handling, transport, treatment, or disposal of waste or the discharge of waste to waters of the state in a manner which causes or threatens to cause a condition of pollution, contamination, or nuisance, as those terms are defined in CWC 13050, is prohibited.
23. *Additional Reporting Requirements*: [40 CFR 122.42(a)] In addition to the reporting requirements under 40 CFR 122.41 (l), all existing manufacturing, commercial, mining, and silvicultural discharges must notify the Regional Board as soon as they know or have reason to believe:
  - (1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, of that discharge will exceed the highest of the following "notification levels:"
    - (a) One hundred micrograms per liter (100 µg/l);
    - (b) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
    - (c) The level established by the Regional Board in accordance with 40 CFR 122.44(f).

- (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
- (a) Five hundred micrograms per liter (500 µg/l)
  - (b) One milligram per liter (1 mg/l) for antimony;
  - (c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  - (d) The level established by the Regional Board in accordance with 40 CFR 122.44(f).
24. *Report Submittal:* The discharger shall submit reports and provide notifications as required by this Order in accordance with the following:
- a. Reports required to be submitted to this Regional Board shall be sent to:  
  
California Regional Water Quality Control Board  
San Diego Region  
Attn: Industrial Compliance Unit  
9174 Sky Park Court, Suite 100  
San Diego, California 92123-4340  
  
Notifications required to be provided to this Regional Board shall be made to:  
  
Telephone - (858) 467-2952 or  
Facsimile - (858) 571-6972
  - b. Reports required to be submitted to the U.S. EPA shall be sent to:  
  
U.S. Environmental Protection Agency  
Region IX  
Compliance Officer (WTR-7)  
75 Hawthorne Street  
San Francisco, California 94105

## ATTACHMENT E

### DEFINITIONS AND EXPLANATORY NOTES

**Best management practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. (40 CFR 122.2)

**Contamination** means an impairment of the quality of the waters of the state by waste to a degree that creates a hazard to the public health through poisoning or through the spread of disease. Contamination includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected. (CWC § 13050(k))

**Conventional pollutants** means pollutants designated pursuant to Clean Water Act § 304(a)(4). (40 CFR 401.16)

**Degradation** shall be determined by comparison of the waste field and reference site(s) for characteristics of species diversity, population density, contamination, growth anomalies, debility, or supplanting of normal species by undesirable plant and animal species. Degradation occurs if there are significant differences in any of three major biotic groups, namely, demersal fish, benthic invertebrates, or attached algae. Other groups may be evaluated where benthic species are not affected or are not the only ones affected.

**Discharge and discharge of pollutant** are defined in 40 CFR 122.2.

**Existing ship construction, modification, repair, and maintenance site (existing site)** means a site where ship construction, modification, repair, and/or maintenance facilities are located or where ship construction, modification, repair, and/or maintenance activities are conducted as of the date of adoption of this Order.

**Facility or activity** means any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program. (40 CFR 122.2)

**First flush of storm water runoff** is the storm water runoff that occurs between the time a **storm event** begins and when a minimum of 1 inch of precipitation has been collected in a rain gauge or equivalent measurement device at a location on the site which is representative of precipitation at the site. A **storm event** is a period of rainfall that is preceded by at least seven days without rainfall.

**Hazardous substance** is defined in 40 CFR 122.2.

**High risk areas** are areas where wastes or pollutants from ship construction, modification, repair, and maintenance activities (including abrasive blast grit material, primer, paint, paint chips, solvents, oils, fuels, sludges, detergents, cleansers, hazardous substances, toxic pollutants, non-conventional pollutants, materials of petroleum origin, or other substances of water quality significance) are subject to exposure to precipitation, run-on, and/or runoff.

**Implementation** of a practice, program, procedure, or other measures means that all aspects of the practice, program, procedure, or other measures are fully in effect and operational, i.e. completed (in contrast to being planned for completion at some time in the future). This recognizes that some BMPs may be specific to certain activities and, hence, may be in active use only when those activities occur.

**Industrial process water** means water that is a byproduct or integral part of an industrial process. It does not include discharges caused by wind, tidal action, rainfall runoff, or other miscellaneous water flows in the work area. For purposes of this Order, the following are industrial process water:

- a. Water contaminated with abrasive blast materials, paint, oils, fuels, lubricants, solvents, or petroleum;
- b. Hydroblast water;
- c. Tank cleaning water from tank cleaning to remove sludge and/or dirt;
- d. Clarified water from oil/water separation;
- e. Steam cleaning water;
- f. Demineralizer / reverse osmosis brine;
- g. Floating drydock sump water when the drydock is in use as a work area or when the drydock is not in use as a work area but before the sump has been purged following such use;
- h. Oily bilge water; and
- i. Contaminated ballast water.

A mixture of industrial process water with other water that is not industrial process water shall be considered industrial process water.

**Initial dilution** is the process that results in the rapid and irreversible turbulent mixing of wastewater with receiving water around the point of discharge.

**Marine fouling organisms** are barnacles, mussels, algae, bryozoans, hydroids, tube worms, tunicates, and other associated organisms, such as shipworms and gibbles, which attach to and grow on underwater surfaces in marine waters.

**National Pollutant Discharge Elimination System (NPDES)** is defined in 40 CFR 122.2.

**Natural light** reduction may be determined by measurement of light transmissivity, total irradiance, or both, as specified by the Executive Officer.

**New ship construction, modification, repair, and maintenance site (new site)** means a site where ship construction, modification, repair, and/or maintenance facilities are not located and where ship construction, modification, repair, and/or maintenance activities are not conducted until after the date of adoption of this Order.

**Non-conventional pollutants** mean Clean Water Act § 301(b)(2)(F) pollutants. (40 CFR 122.21(m)(2))

**Nuisance** is defined in CWC § 13050(m).

**Person** is defined in 40 CFR 122.2 and CWC § 13050(c).

**Pollutant** is defined in 40 CFR 122.2.

**Pollution** means an alteration of the quality of the waters of the state by waste to a degree that unreasonably affects either of the following:

- a. The waters for beneficial uses.
- b. Facilities that serve these beneficial uses.

Pollution may include contamination. (CWC § 13050(l))

**Pollution Prevention (P2)** means practices and processes which reduce or eliminate the generation of pollutants, in contrast to source control, pollution control, treatment, or disposal.

**Ship construction, modification, repair, and maintenance facilities** means a site where ship construction, modification, repair, and/or maintenance facilities are located and/or where ship construction, modification, repair, and/or maintenance activities are conducted. This Order applies whether or not the discharger is in Standard Industrial Classification (SIC) category 3731 (Ship Building and Repairing).

**Significant difference** is defined as a statistically significant difference in the means of two distributions of sampling results at the 95 percent confidence level.

**Significant materials** include, but are not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101 (14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be discharged.

**Significant quantities** are the volumes, concentrations, or masses of pollutants that can cause or threaten to cause pollution, contamination, or nuisance; adversely impact human health or the environment; and/or cause or contribute to a violation of any applicable water quality standard for the receiving water or any receiving water limitation.

**Site** means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity. (40 CFR 122.2)

**Storm water** means storm water runoff, snowmelt runoff, and surface runoff and drainage. (40 CFR 122.26)

**Storm water discharge associated with industrial activity** is defined in 40 CFR 122.26.

**Storm water runoff associated with industrial activity** is analogous to **storm water discharge associated with industrial activity**, except it applies to runoff, whether or not such runoff is discharged to waters of the state or waters of the United States.

**Toxic pollutant** is defined in Section 502 of the CWA, and means any pollutant listed as toxic under Section 307(a)(1) of the CWA or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. (40 CFR 122.2, 40 CFR 401.15)

**Waste** includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal. (CWC § 13050(d))

**Waters of the state** means any surface water or groundwater, including saline waters, within the boundaries of the state. (CWC § 13050(e))

**Waters of the United States** is defined in 40 CFR 122.2.